

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**KEVIN S. PERRIN**

**Plaintiff,**

**V.**

**TARGET NATIONAL BANK F/K/A  
RETAILERS NATIONAL BANK**

**Defendant.**

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**CIVIL ACTION NO. 4:08-CV-046-Y**

**DEFENDANT TARGET NATIONAL BANK'S MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Target National Bank ("TNB") now files this Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted as follows:

**I. SUMMARY**

Plaintiff Kevin Perrin ("Plaintiff") has filed an Original Petition which has been removed to this Court (hereinafter the "Complaint") seeking to hold TNB liable for violations of the Federal Fair Credit Reporting Act and the Texas Finance Code. TNB seeks to dismiss the Complaint based on Plaintiff's failure to state a claim upon which relief can be granted.

**II. LEGAL AND FACTUAL BACKGROUND**

The legal and factual grounds on which TNB relies in support of this Motion to Dismiss are set forth in its Brief in Support of the Motion to Dismiss, which is being filed concurrently and is incorporated by reference herein.

### **III. CONCLUSION**

WHEREFORE, Defendant Target National Bank respectfully requests that the Court dismiss Plaintiff's claim based on Plaintiff's failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6), and that the Court grant such other and further relief to which the Defendants may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record on this the 1st day of February, 2008.

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Marcy E. Kurtz